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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,665	10/20/2003	Cliff Chen	MR2349-963	1849

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EXAMINER

LUI, DONNA V

ART UNIT	PAPER NUMBER
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2629

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/687,665

Applicant(s)

CHEN, CLIFF

Examiner

Donna V. Lui

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 10-12 is/are rejected.
- 7) ☒ Claim(s) 5-9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. **Claim 10** objected to because of the following informalities: Grammatical error. The claim should be read as follows:

Page 8, line 18: -- comprises a pair of side boards respectively disposed on two sides, thereof, and --

Appropriate correction is required.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1, 3, 4 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. (Patent No.: US 6,466,154 B1) in view of Lu (Patent No.: US 6,225,981 B1).

With respect to **Claim 1**, Kim discloses a mouse structure (See figures 5A-8A), comprising a cover (See figure 5A, element 230), being an elliptically curved shell with two ends, comprising a pivoting portion extending downwardly from one of the ends thereof (See figure 5A, the pivoting portion comprises pivot pins 238). Kim teaches a base comprised of a

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receiving portion for receiving the pivoting portion (*See figure 5A, the base is comprised of elements 234 and 200*).

Kim does not teach a hook formed on another end of the cover. Kim does not teach an engaging seat formed on the base nor does Kim teach an engaging hole formed on the engaging seat for engaging with the hook.

Lu teaches a mouse structure, comprising a cover (*See figure 2, element 2: cover*), being an elliptically curved shell with two ends and a hook formed on an end thereof (*one end connects to element 22 and the other end comprises a hook*); a base (*elements 21 and 20*), an engaging seat formed on another end thereof (*elements 201; column 2, lines 53-56*), and an engaging hole formed on the engaging seat for engaging with the hook (*element 214: locking hole ~ engaging hole; note that element 21 is positioned over element 20 and the limitation of the engaging hole formed on the engaging seat is met*).

It would have been obvious for a person of ordinary skill in the art at the time the invention was made to use a hook formed at an end of the cover such that an engaging seat formed on a base has an engaging hole for engaging with the hook, as taught by Lu, to the mouse structure of Kim, so as to have a cover that locks in place (*Lu: column 2, lines 45-46*), and an easy to open and close cover for accessing the battery chamber by pressing on the engaging seat (*Lu: column 2, lines 50-52 and lines 53-56*).

With respect to **Claim 3**, Kim teaches the pivoting portion has an extending portion extending downwardly from an edge of the cover, and a pair of pivoting shafts respectively

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protruding outwardly from two ends of the extending portion (*See figure 5A and figure 6; element 238: pivoting shafts*).

With respect to **Claim 4**, Kim teaches the pivoting portion further comprises a stopping portion protruding outwardly from an outside edge thereof, wherein when the cover is opened, the stopping portion stops the cover at a predetermined angle (*See figure 5B and figure 6; the stopping portion is the screw 236 that prevents the cover from being opened any further, the predetermined angle ~ the largest angle at which the cover will extend from closed to open*).

With respect to **Claim 12**, Kim does not teach an engaging seat is generally U-shaped, and has two side walls extending inwardly from a front portion of the base, an inner wall connecting with the two side walls, and a locking plate extending forwardly and downwardly from a top of the inner wall, wherein the engaging hole is formed in the locking plate.

Lu teaches an engaging seat is generally U-shaped (*See figure 2; the end having the engaging seat of the base has a U-shape*), and has two side walls extending inwardly from a front portion of the base (*See figure 2, the front portion of Lu is defined as the portion of the base comprising the engaging hole, the two walls extend from a portion of the base to meet at an interior piece that resembles a series of aligned walls*), an inner wall connecting with the two side walls (*the inner wall is equivalent to the center piece resembling a series of aligned walls*), and a locking plate extending forwardly and downwardly from a top of the inner wall (*note as discussed earlier that the base is comprised of elements 21 and 20 where the engaging hole fits downwardly from a top the engaging seat in essence a top the inner wall; the locking plate is the*

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area of the base 21 that contains the engaging hole where it extends forwardly into the base 21), wherein the engaging hole is formed in the locking plate.

It would have been obvious for a person of ordinary skill in the art to have an engaging seat is generally U-shaped, and has two side walls extending inwardly from a front portion of the base, an inner wall connecting with the two side walls, and a locking plate extending forwardly and downwardly from a top of the inner wall, wherein the engaging hole is formed in the locking plate as taught by Lu, to the mouse structure of Kim, so as to have a cover that locks in place (*Lu: column 2, lines 45-46*), and an easy to open and close cover for accessing the battery chamber by pressing on the engaging seat (*Lu: column 2, lines 50-52 and lines 53-56*).

3. **Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim and Lu as applied to claim 1 above, and further in view of Sasselli et al. (Patent No.: US 6,411,281 B1).

With respect to **Claim 2**, neither Kim nor Lu teach the cover to further comprise a saddle formed with a wheel hole therein for containing and projecting a wheel, the saddle extending forwardly and downwardly for a predetermined length with a distal end, and the hook protrudes from an inner surface of the distal end of the saddle.

Sasselli teaches a mouse having a cover (*See figure 4*) comprising a saddle formed with a wheel hole therein for containing and projecting a wheel, the saddle extending forwardly and downwardly for a predetermined length with a distal end (*See figure 4, the raised surface surrounding the wheel at the left side of the cover is the saddle, it is obvious that the saddle is of*

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a predetermined length extending to the edge of the cover; Figure 5 shows the inner components of the mouse where the wheel is indicated by numeral 48).

It would have been obvious for a person of ordinary skill in the art at the time the invention was made to have a cover further comprising a saddle formed with a wheel hole therein for containing and projecting a wheel, the saddle extending forwardly and downwardly for a predetermined length with a distal end, as taught by Sasselli to the mouse structure of Kim as modified by Lu such that the hook protrudes from an inner surface of the distal end of the saddle. Having a saddle formed with a wheel hole therein for containing and projecting a wheel provides the scrolling function of a cursor as is well known in the art.

4. **Claim 10** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim and Lu as applied to claim 1 above, and further in view of Hou (Pub. No.: US 2002/0158837 A1).

With respect to **Claim 10**, neither Kim nor Lu teaches the cover to further comprise a pair of side boards respectively disposed on two sides thereof, and each side board is formed with a concave portion for gripping, and when the pair of side boards are pressed, the cover compresses inwardly and the hook moves forwardly and out of the engaging hole.

Hou teaches the a pair of side boards (*See figure 2, element 51: side boards*) respectively disposes on two sides thereof, and each side board is formed with a concave portion for gripping (*See figure 2, element 51; note that the side boards' contain what is seen as indented or protruding grooves that are indicative for gripping*), and when the pair of side boards are

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pressed, the cover compresses inwardly and the hook moves forwardly and out of the engaging hole (*page 3, [0033], lines 3-7*).

It would have been obvious for a person of ordinary skill in the art at the time the invention was made to have a pair of side boards respectively disposed on two sides of the mouse structure and each side board is formed with a concave portion for gripping, and when the pair of side boards are pressed, the cover compresses inwardly and the hook moves forwardly and out of the engaging hole, as taught by Hou, to the mouse structure of Kim as modified by Lu, so as to unlock the cover to the open position for access to the inner compartment of the mouse (*Hou: [0033], lines 3-7*).

5. **Claim 11** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kim, Lu, and Hou as applied to claims 1 and 10 above, and further in view of Farag et al. (Patent No.: 6,844,872 B1).

With respect to **Claim 11**, neither Kim, Lu nor Hou teach the base is formed with two U-shaped side grooves in two sides thereof for receiving the side boards therein.

Farag teaches the base is formed with two inverted U-shaped side walls in two sides thereof (*See figure 7, element 130a and 130b*) corresponding to two U-shaped side grooves in two sides of a top housing (*See figure 5, element 87*). Interchanging of which element, either the base or cover, to have two inverted U-shaped side walls corresponding to two U-shaped side grooves is known to achieve the same result.

It would have been obvious for a person of ordinary skill in the art at the time the invention was made to have a base that is formed with two U-shaped side grooves in two sides thereof for receiving the side boards therein, as taught by Farag, to the mouse structure of Kim, as modified by Lu and Hou, such that the region is accessible by a user's fingers (*column 4, lines 16-19*).

Allowable Subject Matter

6. **Claims 5-9** objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With respect to **Claim 5**, none of the prior art teach the receiving portion of the base has a central recess for containing the extending portion, and two U-shaped seats respectively formed on two sidewalls adjacent the central recess, wherein each of the U-shaped seats is formed with a slot for receiving the pivoting shafts therein.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donna V. Lui whose telephone number is (571) 272-4920. The examiner can normally be reached on Monday through Friday 8:30 a.m. - 5:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amr Awad can be reached on (571)272-7764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Donna V Lui
Examiner
Art Unit 2629

AMR A. AWAD
PRIMARY EXAMINER
Amr A. Awad